

117TH CONGRESS  
1ST SESSION

# H. R. 2860

To appropriate an additional amount to improve the Navy shipyard infrastructure of the United States.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2021

Mr. WITTMAN (for himself and Mr. GALLAGHER) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To appropriate an additional amount to improve the Navy shipyard infrastructure of the United States.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Supplying Help to In-  
5 frastructure in Ports, Yards, and America’s Repair Docks  
6 Act of 2021” or the “SHIPYARD Act”.

**7 SEC. 2. FINDINGS.**

8       Congress makes the following findings:

1                   (1) Since the beginning of our Nation, the four  
2                   public shipyards that support the United States  
3                   Navy have continued to be foundational cornerstones  
4                   of the strategic infrastructure of the United States,  
5                   and those shipyards will continue to be so in the fu-  
6                   ture.

7                   (2) Although originally built in the age of sail-  
8                   ing ships, the shipyards have been incrementally up-  
9                   dated overtime, but in 2021, are in need of a  
10                  generational investment to modernize and upgrade  
11                  the outdated facilities to ensure they can continue to  
12                  repair the United States Navy for another 200  
13                  years. This Act would provide the necessary authori-  
14                  ties and appropriations to make those strategic as-  
15                  sets ready to meet the future demands of the United  
16                  States, while securing and expanding domestic capa-  
17                  bilities across many sectors of the economy critical  
18                  to ensuring the independence of the United States  
19                  from, and preventing over-reliance, on foreign com-  
20                  merce.

21                  (3) On November 1, 1767, Andrew Sprowle, a  
22                  merchant and ship owner, established Gosport Ship-  
23                  yard on the western shore of the Elizabeth River, in  
24                  the Colony of Virginia, under the British flag. The  
25                  shipyard developed and prospered as both a naval

1 and merchant shipyard, supporting the maritime in-  
2 dustry that was critical to the survival of the early  
3 colonies and then to the fledgling United States.  
4 When the American Revolution began, the infra-  
5 structure resident at this former colonial shipyard  
6 became a nucleus in the Hampton Roads, Virginia,  
7 area for the United States Navy. For more than 230  
8 years, the Norfolk Naval Shipyard has assisted the  
9 United States in winning nine major wars, putting  
10 an end to piracy, sending the Great White Fleet  
11 around the world, supporting scientific exploration of  
12 the Pacific, and opening Asia to United States  
13 trade. Today, the Norfolk Naval Shipyard conducts  
14 critical maintenance to the Nation's Nuclear Navy to  
15 include aircraft carriers, ballistic missile submarines,  
16 and fast attack submarines.

17 (4) On June 12, 1800, under the administra-  
18 tion of President John Adams, the Portsmouth  
19 Naval Shipyard was established. The Portsmouth  
20 Naval Shipyard is the United States Navy's oldest  
21 continuously operating shipyard. In 1776, during the  
22 Revolutionary War, the USS Raleigh was built in  
23 Kittery, Maine, and became the first vessel to fly an  
24 American flag into battle. For more than 221 years,  
25 the Portsmouth Naval Shipyard has contributed to

1       the Nation's security and has been instrumental in  
2       United States diplomacy, when, in 1905, President  
3       Theodore Roosevelt selected the Portsmouth Naval  
4       Shipyard as the location to host the Treaty of Ports-  
5       mouth, which ended the Russo-Japanese War.  
6       Today, the Portsmouth Naval Shipyard overhauls,  
7       refuels, and modernizes the Nation's fast attack sub-  
8       marine fleet.

9                 (5) In 1889, Congress approved a budget to  
10          purchase land around Sinclair Inlet in Kitsap Coun-  
11          ty, Washington. In 1892, additional land was added  
12          and the United States Navy broke ground for the  
13          construction of the first of six dry-docks that would  
14          form what is now the Puget Sound Naval Shipyard.  
15          Since that time, the shipyard was front and center  
16          in supporting the Nation's efforts in World War I,  
17          World War II, and the Korean War by constructing  
18          submarines, surface ships, and support vessels re-  
19          quired to win those wars. In late 1965, the USS  
20          Sculpin (SSN 590) became the first nuclear-powered  
21          submarine worked on at the Puget Sound Naval  
22          Shipyard. The Shipyard site at Naval Base Kitsap-  
23          Bremerton provides longer-term, full-service mainte-  
24          nance and inactivation and recycling work on air-

1       craft carriers, surface ships, and submarines, uti-  
2       lizing six drydocks and adjacent piers.

3                     (6) On May 13, 1908, Navy Yard Pearl Harbor  
4       was officially established on the Hawaiian Island of  
5       Oahu, and the Navy Yard has proven to be vital to  
6       the defense of the United States and its interests in  
7       the Asia-Pacific region. The shipyard has been in-  
8       strumental in enabling the United States to secure  
9       sea-lanes of communication and commerce that has  
10      strengthened the Nation's ability to project power  
11      across the expansive Pacific and Indian Oceans. For  
12      generations, the shipyard has supported the global  
13      interests of the United States in a critical geo-  
14      graphic region. On December 7, 1941, Pearl Harbor  
15      and the Navy Yard at Pearl Harbor were the scene  
16      of a devastating attack on the United States by the  
17      Imperial Japanese Navy. Despite the devastating at-  
18      tack, the shipyard and its workers were able to re-  
19      turn ships damaged in the attack back into service  
20      and enabled the United States to win the Pacific  
21      War. For more than 113 years, the Pearl Harbor  
22      Naval Shipyard's strategic location in the Pacific  
23      has assured the safety and prosperity of the United  
24      States through the maintenance of Navy ships.  
25      Today the shipyard supports the maintenance of the

1       Navy's nuclear submarine fleet as well as surface  
2       ships.

3                     (7) In April 2013, the Navy provided Congress  
4       a public shipyard investment plan, which identified  
5       investments needed to optimize, improve, and rebuild  
6       shipyard facilities, electrical infrastructure, environ-  
7       mental systems, and equipment, and needed to im-  
8       prove the timely return of ships and submarines  
9       back to the fleet following maintenance and mod-  
10      ernization, to support the combat readiness of the  
11      United States. To this end, the Navy developed the  
12      Shipyard Infrastructure Optimization Program,  
13      which is a comprehensive, 20-year, \$21,000,000,000  
14      effort to modernize infrastructure at the four naval  
15      shipyards through—

16                     (A) performing critical dry dock repairs;  
17                     (B) restoring and optimally placing ship-  
18       yard facilities; and  
19                     (C) replacing aging and deteriorating cap-  
20       ital equipment.

21                     (8) In addition to the Nation's public shipyards,  
22       the United States continues to rely on the capacity  
23       and capabilities of private new construction and re-  
24       pair shipyards to meet the strategic maritime needs  
25       of the United States Navy, the United States Coast

1       Guard, and the Nation's maritime industry. Such  
2       shipyards, located on every coast of the United  
3       States, also require substantial recapitalization and  
4       reconfiguration in order to meet the construction  
5       and sustainment requirements of our maritime Na-  
6       tion. This Act recognizes the vital role such private  
7       shipyards play in the United States and accordingly  
8       authorizes and appropriates funds to ensure they are  
9       able to continue to provide those strategic capabili-  
10      ties in the future.

11     **SEC. 3. NAVY SHIPYARD INFRASTRUCTURE IMPROVEMENT.**

12     (a) APPROPRIATION.—

13       (1) IN GENERAL.—Out of any money in the  
14       Treasury of the United States not otherwise appro-  
15       priated, there is appropriated, as an additional  
16       amount for “Defense Production Act Purchases”,  
17       \$25,000,000,000, to remain available until ex-  
18       pended, to improve, in accordance with subsection  
19       (b) and using the authority provided by section  
20       303(e) of the Defense Production Act of 1950 (50  
21       U.S.C. 4533(e)), the Navy shipyard infrastructure of  
22       the United States.

23       (2) SUPPLEMENT NOT SUPPLANT.—Amounts  
24       appropriated under paragraph (1) shall supplement  
25       and not supplant other amounts appropriated or

1       otherwise made available for the purpose described  
2       in paragraph (1).

3                     (3) WAIVER OF CERTAIN LIMITATIONS.—Dur-  
4       ing the 10-year period beginning on the date of the  
5       enactment of this Act, the following requirements of  
6       the Defense Production Act of 1950 (50 U.S.C.  
7       4501 et seq.) shall not apply to amounts appro-  
8       priated under paragraph (1):

9                     (A) The requirement for a determination  
10       of the President under section 303(e)(1) of that  
11       Act (50 U.S.C. 4533(e)(1)).

12                     (B) The requirement under section 304(e)  
13       of that Act (50 U.S.C. 4534(e)) that amounts  
14       in the Defense Production Act Fund in excess  
15       of the amount specified in that subsection be  
16       paid into the general fund of the Treasury at  
17       the end of a fiscal year.

18                     (4) EMERGENCY DESIGNATION.—The amount  
19       appropriated under paragraph (1) is designated by  
20       the Congress as being for an emergency requirement  
21       pursuant to section 251(b)(2)(A)(i) of the Balanced  
22       Budget and Emergency Deficit Control Act of 1985  
23       (2 U.S.C. 901(b)(2)(A)(i)).

24                     (b) USE OF FUNDS.—

1                         (1) IN GENERAL.—As soon as practicable after  
2                         the date of the enactment of this Act, the Secretary  
3                         of Defense shall make the amounts appropriated  
4                         under subsection (a) directly available to the Sec-  
5                         retary of the Navy for obligation and expenditure.

6                         (2) ALLOCATION OF FUNDS.—The Secretary of  
7                         the Navy shall allocate the amounts appropriated  
8                         under subsection (a) as follows:

9                             (A) \$21,000,000,000 for Navy public ship-  
10                         yard facilities, dock, dry dock, capital equip-  
11                         ment improvements, and dredging efforts need-  
12                         ed by such shipyards.

13                             (B) \$2,000,000,000 for Navy private new  
14                         construction shipyard facilities, dock, dry dock,  
15                         capital equipment improvements, and dredging  
16                         efforts needed by such shipyards.

17                             (C) \$2,000,000,000 for Navy private re-  
18                         pair shipyard facilities, dock, dry dock, capital  
19                         equipment improvements, and dredging efforts  
20                         needed by such shipyards.

21                         (3) USE OF FUNDS FOR PROCUREMENT OF  
22                         CERTAIN SERVICES.—Notwithstanding any provision  
23                         of the Defense Production Act of 1950 (50 U.S.C.  
24                         4501 et seq.), amounts appropriated under sub-  
25                         section (a) may be used for the procurement of ar-

1 chitect-engineer and construction services at Navy  
2 public shipyards.

3 (4) PROJECTS IN ADDITION TO OTHER CON-  
4 STRUCTURE PROJECTS.—Construction projects un-  
5 dertaken using amounts appropriated under sub-  
6 section (a) shall be in addition to and separate from  
7 any military construction program authorized by any  
8 Act to authorize appropriations for a fiscal year for  
9 military activities of the Department of Defense and  
10 for military construction.

11 (c) DEFINITIONS.—In this section:

12 (1) NAVY PUBLIC SHIPYARD.—The term “Navy  
13 public shipyard” means the following:

14 (A) The Norfolk Naval Shipyard, Virginia.

15 (B) The Pearl Harbor Naval Shipyard,  
16 Hawaii.

17 (C) The Portsmouth Naval Shipyard,  
18 Maine.

19 (D) The Puget Sound Naval Shipyard,  
20 Washington.

21 (2) NAVY PRIVATE NEW CONSTRUCTION SHIP-  
22 YARD.—The term “Navy private new construction  
23 shipyard”—

24 (A) means any shipyard in which one or  
25 more combatant or support vessels included in

1           the most recent plan submitted under section  
2           231 of title 10, United States Code, are being  
3           built or are planned to be built; and

4               (B) includes vendors and suppliers of the  
5           shipyard building or planning to build a com-  
6           batant or support vessel.

7               (3) NAVY PRIVATE REPAIR SHIPYARD.—The  
8           term “Navy private repair shipyard”—

9               (A) means any shipyard that performs or  
10          is planned to perform maintenance or mod-  
11          ernization work on a combatant or support ves-  
12          sel included in the most recent plan submitted  
13          under section 231 of title 10, United States  
14          Code; and

15               (B) includes vendors and suppliers of the  
16          shipyard performing or planning to perform  
17          maintenance or modernization work on a com-  
18          batant or support vessel.

